

UNITED STATES DISTRICT COURT

for the
District of Oregon

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)U.S. Priority Mail Express parcels EJ132229945US and
EJ132229937US,
as described in Attachment A

Case No.

'19 -MC-10 18

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

U.S. Priority Mail Express parcel EJ132229945US and EJ132229937US, as described in Attachment A.

located in the _____ District of _____ Oregon _____, there is now concealed (identify the person or describe the property to be seized):

The information and items set forth in Attachment B hereto.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 U.S.C. § 841(a)(1)	Unlawful Distribution of Controlled Substances and Conspiracy to do the same.
21 U.S.C. §§ 843(b) and 846	Unlawful Use of Mail in Controlled Substance Violation and Conspiracy.
18 U.S.C. § 1952(a)(1)	Unlawful Use of the Mail with Intent to Distribute the Proceeds of Unlawful Activity.

The application is based on these facts:
 See affidavit which is attached hereto and incorporated herein by this reference.

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


 Applicant's signature


David L. Hardin, Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date:

Nov. 26, 2019


 Judge's signature

City and state: Portland, Oregon

Stacie F. Beckerman, United States Magistrate Judge

Printed name and title

Attachment A**Parcel to be Searched:**

The following U.S. Postal Service parcel, presently in the possession of the U.S. Postal Inspection Service at the USPS Portland Domicile, 7007 NE Cornfoot Dr., Portland, OR 97218:

DESCRIPTION OF THE SUBJECT PARCEL**Subject Parcel 1**

U.S. Priority Mail Express parcel number: EJ132229945US

Sender name and address: Jeff Alban
2250 SE Albcor Rd
Port Saint Lucia, FL 34952

Recipient name and address: Becca Williams
132 Holly St.
Shady Cove, OR 97539

Parcel Type: Priority Mail Express Padded Envelope

Parcel Weight: 2 pounds, 10 ounces



Subject Parcel 2

U.S. Priority Mail Express parcel number: EJ132229937US

Sender name and address: Jeff Alban
2250 SE Albcor Rd
Port Saint Lucia, FL 34952

Recipient name and address: 2728 West Main St.
(Attn: Rick) (Pro Pack)
Medford, OR 97501

Parcel Type: Priority Mail Express Padded Envelope

Parcel Weight: 2 pounds, 10 ounces

PRIORITY MAIL EXPRESS

U.S. POSTAGE PAID
PORT SAINT LUCIE, FL
34952
\$26.20
R2305E12485-11

UNITED STATES POSTAL SERVICE **PRIORITY MAIL EXPRESS**

34952 EJ 132 229 937 US

CUSTOMER USE ONLY

FROM: (please print) Jeff Alban
2250 SE Albcor Rd,
Port Saint Lucia, FL 34952

TO: (PLEASE PRINT)
2728 West Main St. (Attn: Rick)
Medford, OR (Pro Pack)
97501

2P x 4" (U.S. ADDRESSES ONLY)

■ For pickup or USPS Tracking™, visit USPS.com or call 800-222-1811.
■ \$100.00 Insurance Included.

DELIVERY OPTIONS (Customer Use Only)

☐ SIGNATURE REQUIRED (Note: The addressee must check the "Signature Required" box if the addressee requires the addressee's signature. OR 2) Purchase additional insurance; OR 3) Purchase COD service; OR 4) Purchase Return Receipt service. If this box is not checked, the Postal Service will leave the item in the addressee's mail receptacle or other secure location without attempting to obtain the addressee's signature on delivery.

☐ No Saturday Delivery (delivered next business day)
☐ Sunday/Holiday Delivery Required (additional fee, where available)
☐ 10:30 AM Delivery Required (additional fee, where available)
*Order an USPS carrier to bring First Class® for available.

DELIVERY (POSTAL SERVICE USE ONLY)

Delivery Attempt (PMDD01TY) Time ☐ AM ☐ PM Employee Signature

Delivery Attempt (PMDD01TY) Time ☐ AM ☐ PM Employee Signature

PEEL FROM THIS CORNER

Padded Flat Rate Envelope
EPI3PE July 2013
ID: 9.5 x 12.5

UNITED STATES POSTAL SERVICE

Attachment B

Particular Things to be Seized:

The following controlled substances, records, documents, and items that constitute evidence, contraband, fruits, and/or instrumentalities of violations of the following federal criminal statutes involving the unlawful use of the U.S. mails with intent to distribute controlled substances and proceeds of the unlawful use of the U.S. mails with intent to distribute controlled substances and proceeds of unlawful activity in violation of 21 U.S.C. §§ 841(a)(1), 843(b) and 846; and 18 U.S.C. § 1952(a)(1), and criminal forfeiture related to drug trafficking, as provided in 21 U.S.C. § 853:

1. Controlled substances, including marijuana, methamphetamine, cocaine, heroin, and any other illegal controlled substance listed in DEA Scheduling of Controlled Substances.
2. Currency and proceeds of controlled substance trafficking.
3. Packaging material and contents.
4. Any items of identification, records, correspondence, accounts, ledgers, pay-and-owe sheets, or other documents associated with the manufacture, distribution, or possession of controlled substances or the possession or distribution of currency and proceeds of controlled substance trafficking, or with the laundering of monetary instruments.

DISTRICT OF OREGON, ss: AFFIDAVIT OF DAVID HARDIN

**Affidavit in Support of an Application Under
Rule 41 for a Warrant to Search and Seize Evidence**

I, David Hardin, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Postal Inspector with the United States Postal Inspection Service (USPIS) and have been since October 2018. I am currently assigned to the Portland, Oregon Domicile Office of the USPIS. As a Postal Inspector, I am empowered by 18 U.S.C. § 3061 to conduct investigations and to make arrests for offenses against the United States. As part of my duties, I investigate incidents where the United States mail system is used for the purpose of transporting non-mailable matter, including controlled substances such as marijuana, cocaine, methamphetamine, and heroin, as well as proceeds of the sale of controlled substances. In December 2008, I attended the Criminal Investigator Training Program at the Federal Law Enforcement Training Center (F.L.E.T.C.) in Glynco, Georgia. From November 2008 to February 2018, I served as a U.S. Secret Service Special Agent. Prior to that, I served five years in the U.S. Navy as an Intelligence Officer, achieving the rank of Lieutenant. In October 2018, I completed a USPIS training course on Prohibited Mailings involving narcotics.

2. I submit this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the search of U.S. Priority Mail Express parcels EJ132229945US (hereinafter “**Subject Parcel 1**”), and EJ132229937US (hereinafter “**Subject Parcel 2**”), for evidence, contraband, fruits, and instrumentalities of violations of the federal criminal statutes involving the Unlawful Use of the U.S. Mail with Intent to Distribute Proceeds of Unlawful Activity, in violation of 18 U.S.C. § 1952(a)(1); the

Unlawful Use of a Communication Facility (U.S. Mail) to Distribute Controlled Substances, in violation of 21 U.S.C. § 843(b), and Conspiracy to commit this offense, in violation of 21 U.S.C. § 846; the Distribution of Controlled Substances, in violation of 21 U.S.C. § 841(a)(1), and Conspiracy to commit this offense, in violation of 21 U.S.C. § 846; and criminal forfeiture related to drug trafficking, as provided in 21 U.S.C. § 853. The parcels are presently in the possession of the U.S. Postal Inspection Service at the USPIS Portland Domicile, 7007 NE Cornfoot Rd., Portland, OR 97218, as described in Attachment A. As set forth below, I have probable cause to believe that such property and items, as described in Attachment B, will be found in **Subject Parcel 1** and **Subject Parcel 2**, as described in Attachment A.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, a review of records related to this investigation, and information gained through my training and experience.

Applicable Law

4. Title 18 U.S.C. § 1952(a)(1) provides that it is unlawful to use the mail to distribute the proceeds of any unlawful activity. Title 21 U.S.C. §§ 841 and 846 provide that it is unlawful to distribute or conspire to distribute controlled substances. Title 21 U.S.C. §§ 843(b) and 846 provide that it is unlawful to use a communication facility, including the U.S. Mail, to distribute or conspire to distribute controlled substances. Title 21 U.S.C. § 853 provides for the criminal forfeiture of proceeds and instrumentalities related to drug trafficking.

Training and Experience on Controlled Substances Sent Through the U.S. Mail

5. I know from my training and experience that drug traffickers frequently use U.S. Postal Service Priority Mail Express and Priority Mail services to ship controlled substances, including marijuana, cocaine, heroin, and methamphetamine. I know from my training and experience that illegal drug recipients often use U.S. Postal Service Priority Mail Express and Priority Mail services to ship the proceeds of the illegal sale of controlled substances, or moneys used or intended to be used to facilitate the illegal sale of controlled substances, in cash, or other controlled substances, to suppliers of controlled substances. I know from training and discussions with other law enforcement officers that these controlled substances, proceeds of the illegal sale of controlled substances, and funds related to the facilitation of the illegal sale of controlled substances are often found during parcel investigations and interdictions.

6. Based on my experience, training, and discussions with other law enforcement officers experienced in drug investigations, I know Oregon is a marijuana source state for the mailing of controlled substances to destination locations across the United States. Current Oregon state laws permitting the recreational and medical growth, purchase, and possession of marijuana provide individuals with significant quantities of marijuana, which can be illegally mailed to other states where marijuana is illegal and less available. Accordingly, marijuana sales are substantially more profitable outside the state of Oregon than they are inside the state of Oregon. I know from my training and experience that controlled substances, especially marijuana, are frequently mailed from Oregon to other states and that cash payments are mailed back to Oregon drug suppliers in return.

7. Based on my experience, training, and discussions with other law enforcement officers experienced in drug investigations, I know that certain indicators often exist when drug

traffickers use the U.S. mails to ship controlled substances, proceeds of the sale of controlled substances, or funds to facilitate the sale of controlled substances from one location to another.

8. Drug traffickers use U.S. Postal Service Priority Mail Express and Priority Mail services because of the reliability of delivery, speed of delivery, low cost, the customer's ability to track the package's shipment online, as well as the low risk of detection by law enforcement. Shippers using U.S. Postal Service Priority Mail Express and Priority Mail services pay for the benefit of being able to confirm the delivery of the parcel by checking the U.S. Postal Service website or calling a toll-free number.

9. I know from my training and experience that U.S. Postal Service Priority Mail Express is used primarily for business-related mailings. Unlike typical U.S. Postal Service Priority Mail Express business mailings, which usually have typed labels, packages containing controlled substances, proceeds, and/or facilitation funds often have handwritten address information. The handwritten label on U.S. Postal Service Priority Mail Express packages containing controlled substances and/or proceeds usually does not contain a business account number and/or credit card number. This is an indication that the sender likely paid cash. A credit card or business account number would better enable law enforcement officers to connect the package to identifiable individuals. I further know that drug traffickers who use U.S. Postal Service Priority Mail Express services often either waive or do not request a recipient signature upon delivery of the mail parcel. This can allow the parcel to be delivered without the addressee or the addressee's agent having to sign for the parcel, contingent upon the parcel being left in a secure location at the address.

10. I know from my training and experience that drug traffickers who mail controlled substances, and the drug purchasers who send payment in the form of cash or other drugs, often

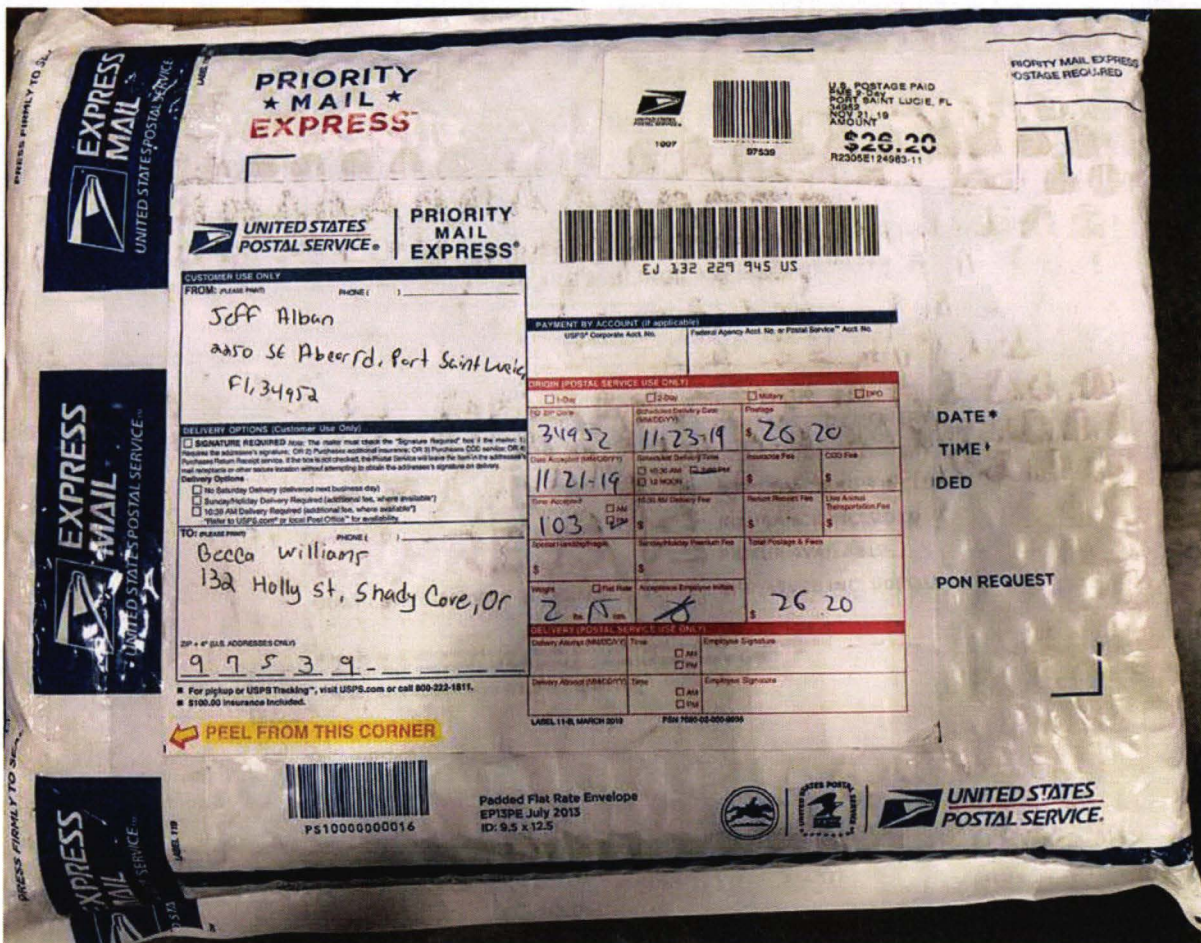
use false or incomplete information in labeling the parcels. In this way, drug traffickers can distance themselves from the package containing controlled substances, the proceeds of the sale of the controlled substances, or facilitation funds in the event the package is intercepted by law enforcement.

11. I know from my training and experience that drug traffickers who mail controlled substances, proceeds of the illegal sale of controlled substances, and facilitation funds are often aware that parcels are inspected by trained canines. Accordingly, drug traffickers often attempt to wrap their parcels, and the contents of their parcels, in a manner they believe will disguise the odor and contents of the items in the parcels. In order to conceal the distinctive smell of controlled substances from certified controlled substance detection canines, these packages are sometimes sealed with the use of tape around the seams. Also, the parcels often contain other parcels which are carefully sealed to prevent the escape of odors. Sometimes perfumes, coffee, dryer sheets, tobacco, or other strong-smelling substances are used to mask the odor of the controlled substances, proceeds of the illegal sale of controlled substances, and/or facilitation funds being shipped.

Statement of Probable Cause

12. On November 22, 2019, I went to the U.S. Postal Service Portland Processing and Distribution Center/Facility (PDC/PDF), located at 7007 Cornfoot Rd, Portland, OR 97218 as part of my regular investigatory duties. I reviewed parcels for delivery in Oregon that were mailed from other states. I saw that **Subject Parcel 1** was addressed from “Jeff Alban, 2250 SE Abcor Rd, Port Saint Lucie, FL 34952” and to “Becca Williams, 132 Holly St, Shady Cove, OR 97539.” The parcel weighed 2 pounds, 10 ounces, the scheduled date of delivery was November 23, 2019 before 3:00 p.m., and the mailer paid \$26.20 in cash to purchase the postage.

I noticed the mailing label was handwritten and it appeared it was addressed from a private individual to another private individual. An image of **Subject Parcel 1** is provided below:



13. The “Signature Required” service on USPS Priority Mail Express parcels requires the parcel be received by an individual who must sign for the parcel and provide their name. I know from my training and experience that drug traffickers who mail controlled substances, and the drug purchasers who send payment in the form of cash or other drugs normally do not request the Signature Required service to avoid law enforcement identifying the true recipient of parcels. In this way, drug traffickers can distance themselves from the package containing controlled substances or from the proceeds of the sale of the controlled substances in the event

the package is intercepted by law enforcement. I observed the Signature Required box on the label of **Subject Parcel 1** was not checked by the mailer.

14. I reviewed USPS business records and determined from September 12, 2019 to November 21, 2019 the recipient address received four parcels from Port Saint Lucie, Florida, matching the description of the seized parcel (Express Mail parcels, weighing 1-3 pounds and similar postage cost). I reviewed USPS business records and determined for October 2019 to November 2019 the sender address received four parcels from Medford, Oregon, matching the profile of outbound marijuana product (seize, weight and postage cost of parcels).

15. Criminal history checks for Jeff Alban returned a 2017 arrest in Florida for marijuana possession with intent to sell and a 2018 arrest in Florida for marijuana possession over 20 grams.

16. On November 22, 2019, Portland Police Bureau H.I.T. Officer S. Groshong, a Certified Controlled Substance Dog Handler and his certified controlled substance detection dog Rex, responded to the USPIS Portland Domicile located at 7007 NE Cornfoot Dr., Portland, OR 97218. I prepared a "line" of parcels of similar size and appearance to **Subject Parcel 1**. H.I.T. Officer Groshong and his certified controlled substance detection dog Rex "proofed" the line and the area surrounding the line. Proofing a line of parcels is the process by which a controlled substance dog handler deploys a controlled substance detection dog on a line of control parcels to confirm that none of the control parcels are emitting the odor of controlled substance the controlled substance detection dog is trained to detect. Officer Groshong stated Rex did not alert to the presence of the odor of controlled substance on the parcels in the line or the area surrounding the line at that time. Officer Groshong and Rex left the immediate area and I put **Subject Parcel 1** in the line in a position unknown to Officer Groshong and Rex.

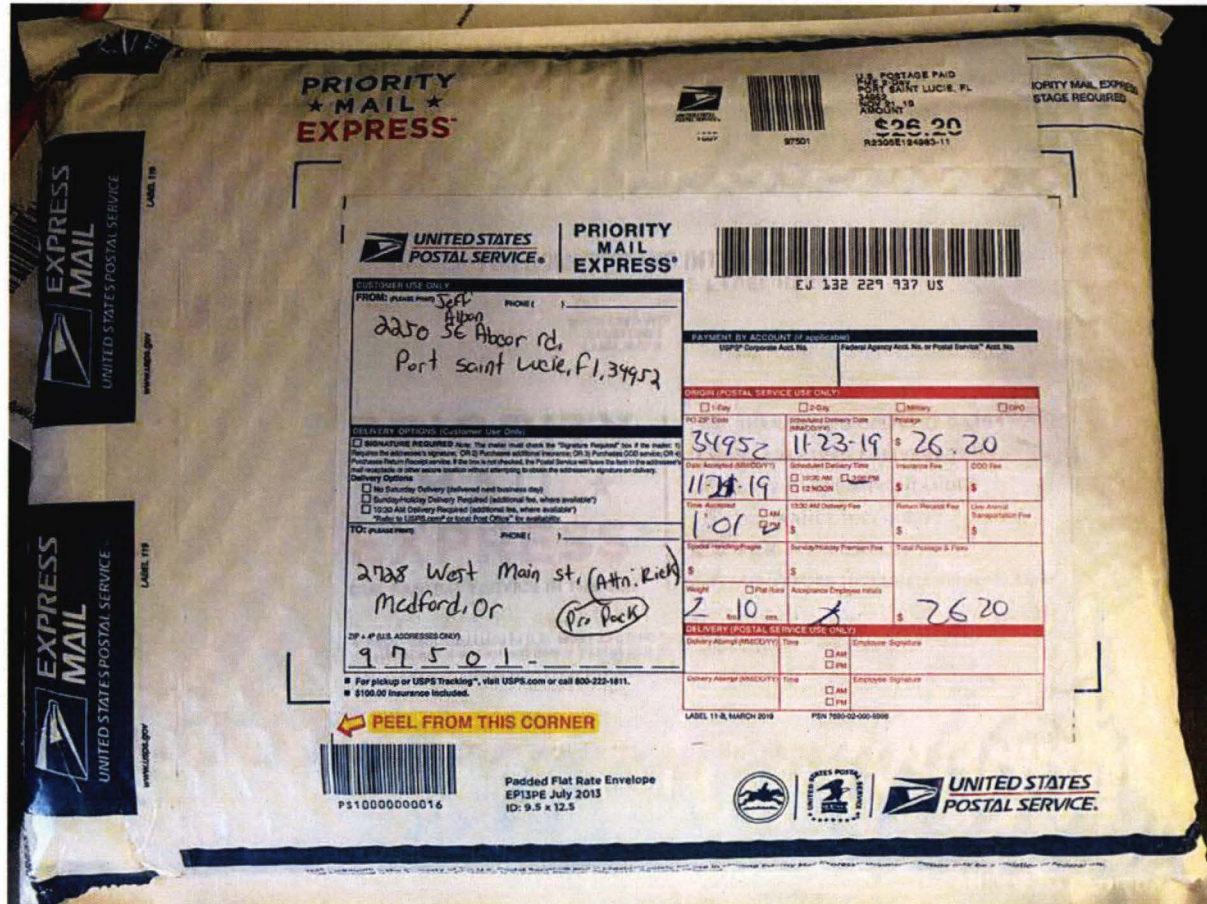
Officer Groshong returned to the line and deployed Rex on the line of parcels. Officer Groshong told me Rex alerted, in the manner he is trained, to the presence of the odor of controlled substance on **Subject Parcel 1**. Rex did not alert to any of the other parcels in the line. Officer Groshong and Rex's qualifications, training, and training accuracy rate are set forth in Exhibit 1, attached hereto and incorporated herein.

17. On November 22, 2019, at 09:45 a.m., I scanned **Subject Parcel 1**, "Seized by Law Enforcement" in the USPS Product Tracking and Reporting (PTR) system. The PTR system allows customers to check and/or receive updates to the progress of parcels as they travel through the USPS delivery system. The "Seized by Law Enforcement" entry tells the customer to contact the USPS to make inquiries about the status of seized parcels.

18. I reviewed USPS business records and determined customers made multiple inquiries, from the same Internet Protocol (IP) Address, using USPS.com, on November 22, 2019 to determine the status of **Subject Parcel 1** and **Subject Parcel 2**. Further review of USPS business records determined **Subject Parcel 1** and **Subject Parcel 2** were mailed during the same transaction in Port Saint Lucie, Florida. USPS business records determined **Subject Parcel 2** was in transit to the Medford, OR Mail Processing Center, 2195 Sage Rd., Medford, OR 97501. I contacted employees of the Medford Processing Center and asked them to send the parcel to USPS Portland before the expected delivery date of November 23, 2019 at 3:00 p.m.

19. On November 23, 2019, I went to the U.S. Postal Service Portland Processing and Distribution Center/Facility and located **Subject Parcel 2**. I saw **Subject Parcel 2** was addressed from "Jeff Alban, 2250 SE Abcor Rd, Port Saint Lucie, FL 34952" and to "2728 West Main St. (Attn:Rick) Medford, OR (Pro Pack) 97501." The parcel weighed 2 pounds, 10 ounces, the scheduled date of delivery was November 23, 2019 before 3:00 p.m., and the mailer

paid \$26.20 in cash to purchase the postage. I noticed the handwriting on **Subject Parcel 1** and **Subject Parcel 2** were identical in appearance. An image of **Subject Parcel 2** is provided below:



20. On November 23, 2019, at 12:09 p.m., I scanned **Subject Parcel 2**, “Seized by Law Enforcement” in the USPS Product Tracking and Reporting (PTR) system.

21. Based on my training and experience, **Subject Parcel 1** and **Subject Parcel 2** appear to contain drugs or drug proceeds, based on the positive canine examination results of **Subject Parcel 1** detailed above, the package weight, the recipient address, sender information and other observations discussed in more detail above. I have probable cause to believe, and do

believe, that a search of the **Subject Parcel 1 and Subject Parcel 2** will yield evidence of contraband, fruits, and instrumentalities of violations of the federal criminal statutes described above.

Conclusion

22. Based on the foregoing, I have probable cause to believe, and I do believe, that **Subject Parcel 1 and Subject Parcel 2** more completely described in Attachment A, contains evidence of contraband, fruits, and instrumentalities of violations of the federal criminal statutes involving the Unlawful Use of the U.S. Mail with Intent to Distribute Proceeds of Unlawful Activity, in violation of 18 U.S.C. § 1952(a)(1); the Unlawful Use of a Communication Facility (U.S. Mail) to Distribute Controlled Substances, in violation of 21 U.S.C. § 843(b), and Conspiracy to commit this offense, in violation of 21 U.S.C. § 846; the Distribution of Controlled Substances, in violation of 21 U.S.C. § 841(a)(1), and Conspiracy to commit this offense, in violation of 21 U.S.C. § 846; and criminal forfeiture related to drug trafficking, as provided in 21 U.S.C. § 853. As set forth above, I have probable cause to believe that such property and items, as described in Attachment B, will be found in **Subject Parcel 1 and Subject Parcel 2** described in Attachment A. I therefore request that the Court issue a warrant authorizing the search of **Subject Parcel 1 and Subject Parcel 2** described in Attachment A for the items listed in Attachment B and the seizure of any such items found.

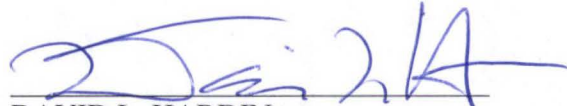
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23. Prior to being submitted to the Court, this affidavit, the accompanying application, and the requested search warrant were all reviewed by Assistant United States Attorney (AUSA) Lewis Burkhart and AUSA Burkhart advised me that, in his opinion, the affidavit and application are legally and factually sufficient to establish probable cause to support the issuance of the requested warrant.



DAVID L. HARDIN
US Postal Inspector
United States Postal Inspection Service

Subscribed and sworn to before me this 26th day of November 2019.



HONORABLE STACIE F. BECKERMAN
United States Magistrate Judge